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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,772	01/24/2000	Reinhard Heinrich Hohensee	BLD990043US1	7611

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EXAMINER

PARK, CHAN S

ART UNIT PAPER NUMBER

2622

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/490,772	Applicant(s) HOHENSEE ET AL.	
	Examiner CHAN S PARK	Art Unit 2622	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-18 and 44-68.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Applicant's arguments are not persuasive.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

***Advisory Action***

1. The period for reply continues to run 6 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

***Response to Amendment***

2. The amendment filed 3/7/05 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

- a. Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the rejection of claims 1, 2, 13-15, 44-49, 67 and 68, wherein on pages 12-13, the applicant explains how the current invention is different from the teaching of Matsuyama. Particularly, the applicant states that Matsuyama fails to teach generating at the printing system a globally-unique identifier for assignment to the object. The applicant further states that the unique identifier of Matsuyama is provided by the client computer not the printing system itself.

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Examiner respectfully disagrees. As previously cited in the Office action dated 1/3/05, Examiner notes that Matsuyama teaches "generating at the printing system (print server having a printer in fig. 5) a globally-unique identifier (path name) for assignment to the object (col. 15, lines 29-38)." It is evidently clear that the print server, not the client computer, adds a path name according to col. 15, lines 29-38. The applicant's argument was not persuasive to show/explain how this path name is generated by the client computer based on the cited paragraph.

Therefore, the rejection of the claims is maintained.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the "data object" refers to a data object that is either used to provide control information to a printer or is the object that is to be printed (page 12, lines 10-12)) are not recited in the rejected claims. Particularly, printing of the object is never claimed in any of the claims previously rejected under Myers. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, in response to applicant's arguments regarding the rejection of claims 1-3, wherein on page 12 the applicant explains how the current invention is different from the teaching of Myers. Particularly, the applicant states that Meyers fails to teach identifying an object in a print data stream. Referring to fig. 1 of Meyers, it is evidently

clear that the data, which is to be printed, is transmitted/received via the network. Thus, object is in a print data stream network.

Therefore, the rejection of the claims is maintained.

In response to applicant's arguments regarding the rejection of claims 50-52, 54, 55, 58, and 59, wherein on page 13, the applicant explains how the current invention is different from the teaching of Irons. Particularly, the applicant states that Irons fails to disclose a printer server for searching for a presentation object referenced by either a selected indicia in a print data stream, the selected indicia being a name, a globally-unique identifier or a globally-unique identifier and an object locator. Examiner respectfully disagrees. Referring to col. 23, line 55 – col. 24, line 9, Irons clearly discloses a system for processing referenced objects having a print server (server services providers such as Kinkos in lines 59-60) for searching for a presentation object referenced by a globally-unique identifier. Since it is known that Kinkos provides the printing and scanning services, it is construed as a print server. Although the applicant seems to claim that the print server is provided for printing the referenced object, again, neither the independent claim 50 nor the dependent claims 51-66 claims that the referenced object is printed by a printer.

Therefore, the rejection of the claims is maintained.

Further, the applicant states that Herriot and McLachlan fail to disclose identifying an object in a print data stream for presentation by the printing system and

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generating at the printing system a globally unique identifier for assignment to the object. Since Matsuyama, as set forth above, discloses identifying an object in a print data stream for presentation by the printing system and generating at the printing system a globally unique identifier for assignment to the object, the rejection of all claims is maintained.

In view of the above, the rejection of claims 1-18 and 44-68, as cited in the Office action dated 1/3/05 is maintained.

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**Conclusion**


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
March 21, 2005

Chan S. Park  
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